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## SENATE BILL No. 192

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-20-2; IC 35-46-5-3.

**Synopsis:** Adoption of abandoned embryo. Allows an abandoned embryo to be adopted for implantation by another individual under specified circumstances. States that a person who knowingly or intentionally destroys or discards an abandoned human embryo commits unlawful destruction of an embryo, a Class A misdemeanor.

**Effective:** July 1, 2009.

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**Miller**

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January 7, 2009, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## SENATE BILL No. 192

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-20-2 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]:

4 **Chapter 2. Abandoned Human Embryos**

5 **Sec. 1. For purposes of this chapter, a human embryo that:**

6 (1) **is the result of in vitro fertilization or artificial**  
7 **reproduction; and**

8 (2) **is preserved or stored by a health care provider for at least**  
9 **five (5) years without:**

10 (A) **a written or an oral communication by the biological**  
11 **parents concerning the disposition of the human embryo;**  
12 **and**

13 (B) **the health care provider being able to contact the**  
14 **biological parents, after diligent effort, at the last known**  
15 **address and telephone number of the biological parents;**  
16 **is considered to have been abandoned by the biological parents,**  
17 **and the human embryo may be adopted for implantation by**

2009

IN 192—LS 6702/DI 104+



another individual.

**Sec. 2. (a) Both biological parents may consent at any time to allow the human embryo of the biological parents to be adopted for implantation by another individual.**

**(b) If one (1) of the biological parents is:**

**(1) unknown because the known biological parent used an anonymous donation resulting in the human embryo;**

**(2) deceased; or**

**(3) incompetent;**

**the consent of the one (1) known biological parent is sufficient to allow the human embryo to be adopted for implantation by another individual.**

**Sec. 3. Once an individual adopts an abandoned human embryo, that individual is the parent of the human embryo and any resulting child for all purposes.**

**Sec. 4. A person who knowingly or intentionally destroys or otherwise disposes of an abandoned human embryo, as described in section 1 of this chapter, commits unlawful destruction of an embryo, a Class A misdemeanor.**

SECTION 2. IC 35-46-5-3, AS ADDED BY P.L.126-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) **Except as provided in IC 31-20-2**, a person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Class C felony.

**(b) This section does not apply to the following:**

**(1) The transfer to or receipt by a woman donor of an ovum of an amount for:**

**(A) earnings lost due to absence from employment;**

**(B) travel expenses;**

**(C) hospital expenses;**

**(D) medical expenses; and**

**(E) recovery time in an amount not to exceed three thousand dollars (\$3,000);**

**concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.**

**(2) The following types of stem cell research:**

**(A) Adult stem cell.**

**(B) Fetal stem cell, as long as the biological parent has given written consent for the use of the fetal stem cells.**

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